

JDM 10.12.22

JJI/JCE: USAO 2022R00476

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

JOLEN MICHAEL GHORBANI,

a/k/a "Jay,"

a/k/a "jayz_cutz93,"

a/k/a "jayfaded93,"

Defendant*
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CRIMINAL NO. 22-cr-00361-GJH

(Bribery of a Witness, 18 U.S.C.
§ 201(b)(4); Obstruction of Justice,
18 U.S.C. § 1503(a); Forfeiture, 18
U.S.C. § 981(a)(1)(C), 21 U.S.C.
§ 853(p), 28 U.S.C. § 2461(c))

INDICTMENT**COUNT ONE****(Bribery of a Witness)**

The Grand Jury for the District of Maryland charges that:

At all times relevant to this Indictment:

Background

1. Instagram was a social media application owned by Meta Platforms, Inc., a company headquartered in Menlo Park, California. Each Instagram user was assigned a profile. While Instagram required each user to select a username, which Instagram designated as a "vanity," Instagram allowed each user to change the vanity name at any point.

2. Instagram Direct was a service that allowed Instagram users to send Direct Messages to other users. Instagram Stories was a service that allowed an Instagram user to share photos and videos that disappeared from the user's profile after 24 hours unless the user added them to the user's profile as "story highlights." Instagram also permitted the user to view the names of any other Instagram user who viewed the user's Stories.

3. **JOLEN MICHAEL GHORBANI**, a/k/a “Jay,” a/k/a “jayz_cutz93,” a/k/a “jayfaded93” (“**GHORBANI**”), was, until on or about May 31, 2022, a resident of Fairfax, Virginia. **GHORBANI** registered, controlled, and operated an Instagram account with the display name “Jay” and the vanity names “jayz_cutz93” and “jayfaded93,” among others.

4. On or about February 3, 2021, **GHORBANI** was the victim of a kidnapping, assault, and robbery committed by Trayvon David Sherman, a/k/a “Tray David Sherman,” a/k/a “Racks” (“Sherman”), and Sherman’s co-conspirators. During the kidnapping, Sherman transported **GHORBANI** from Maryland to Washington, D.C., where Sherman and his co-conspirators assaulted and robbed **GHORBANI**.

5. Sherman was a native of Washington, D.C. Sherman registered and controlled Instagram Account A.

6. Witness 1 was a resident of Washington, D.C., and was in a relationship with Sherman. Sherman authorized Witness 1 to access and to operate Instagram Account A.

7. Witness 2 was a confidant of **GHORBANI**. Witness 2 registered and operated Instagram Account B.

The Kidnapping Prosecution

8. On or about March 31, 2021, a grand jury in the District of Maryland returned an Indictment charging Sherman with conspiracy to commit kidnapping, in violation of 18 U.S.C. § 1201(c).

9. Sherman was arrested on or about March 31, 2021, and later ordered detained pending trial. Sherman’s trial was scheduled to commence on or about July 11, 2022. Pending his trial, Sherman was held at Facility A, a detention center in Upper Marlboro, Maryland.

10. On or about April 15, 2022, **GHORBANI** was served—through counsel—with a subpoena requiring **GHORBANI** to appear as a witness at Sherman’s trial on July 11, 2022.

11. On or about May 18, 2022, a grand jury in the District of Maryland returned a Superseding Indictment charging Sherman with conspiracy to commit kidnapping, in violation of 18 U.S.C. § 1201(c), and kidnapping, in violation of 18 U.S.C. § 1201(a).

GHORBANI’s Corrupt Scheme

GHORBANI’s Direct Messages to Sherman on June 5, 2022

12. On or about June 5, 2022, between approximately 10:27 p.m. Eastern and approximately 10:33 p.m. Eastern, **GHORBANI** used his Instagram account to send a series of Direct Messages to Sherman at Instagram Account A. **GHORBANI** wrote, “Goofy n---- . . . Plead out take that 10 piece like a man. Lol your [sic] gonna sit in Prison next decade”. **GHORBANI** then sent his phone number to Sherman and added, “[C]all me If you want to finesse trial”. **GHORBANI**’s instruction to “take that 10 piece” was a direction to Sherman to plead guilty and accept a sentence of 10 years’ imprisonment. **GHORBANI**’s invitation to “finesse trial” was an offer by **GHORBANI** to alter his (**GHORBANI**’s) testimony in a way that would benefit Sherman at Sherman’s trial.

13. Between on or about June 5, 2022, and on or about June 9, 2022, Witness 1 accessed Instagram Account A, Sherman’s account, and discovered the messages that **GHORBANI** had sent on June 5, 2022. Additionally, between on or about June 5, 2022, and on or about June 11, 2022, Witness 1 viewed **GHORBANI**’s Instagram profile while Witness 1 was operating Instagram Account A.

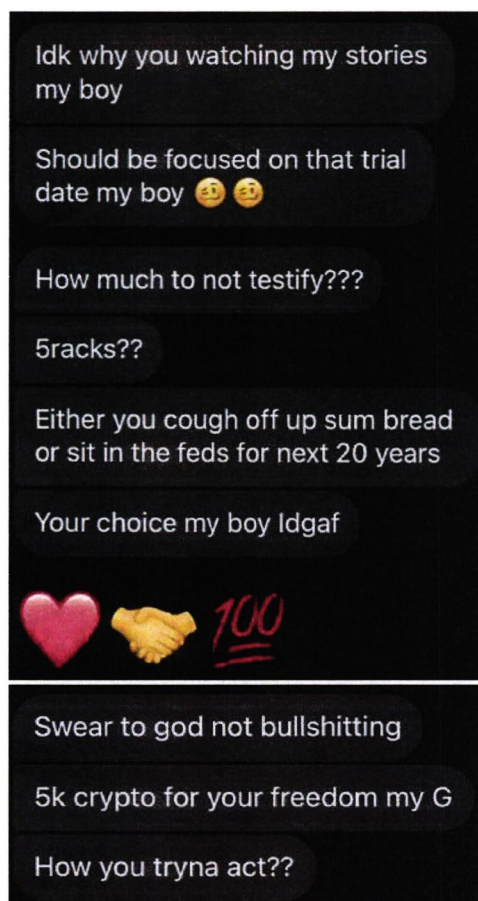
14. On or about June 9, 2022, while Sherman was detained at Facility A, Witness 1 told Sherman about the Direct Messages that **GHORBANI** sent to Instagram Account A. In response,

Sherman directed Witness 1 to respond to **GHORBANI**'s messages by stating that Sherman was not going to accept a plea offer.

15. On or about June 11, 2022, at approximately 5:59 p.m. Eastern, Witness 1—while operating Instagram Account A—responded to **GHORBANI**'s messages. Referring to Sherman, Witness 1 wrote, "He going to [trial]".

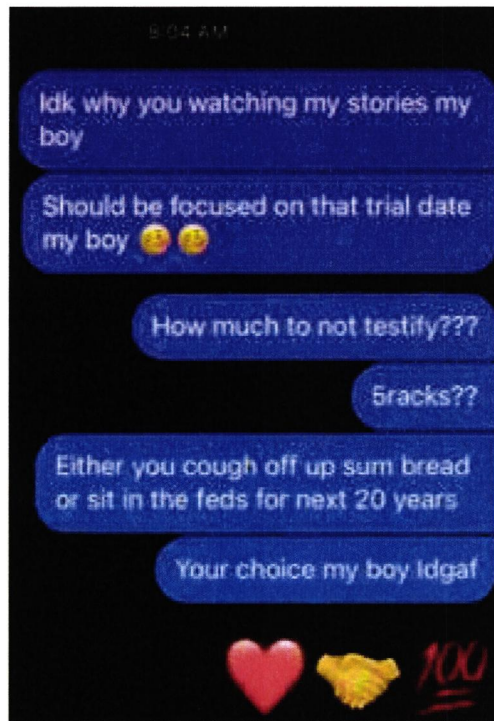
GHORBANI's Direct Messages to Sherman on June 18, 2022

16. On or about June 18, 2022, beginning at approximately 8:04 a.m. Eastern, **GHORBANI** replied to Sherman at Instagram Account A through another series of Direct Messages, depicted below.



17. Through these messages, **GHORBANI** corruptly solicited a payment of \$5,000 from Sherman in exchange for **GHORBANI**'s agreement to testify falsely—or to refuse to testify at all—at Sherman's trial.

18. At approximately 8:09 a.m. Eastern, on June 18, 2022, **GHORBANI** used his Instagram account to send Witness 2 a screenshot at Instagram Account B. The screenshot, depicted below, contained several of the Direct Messages that **GHORBANI** had sent Sherman at Instagram Account A minutes earlier.

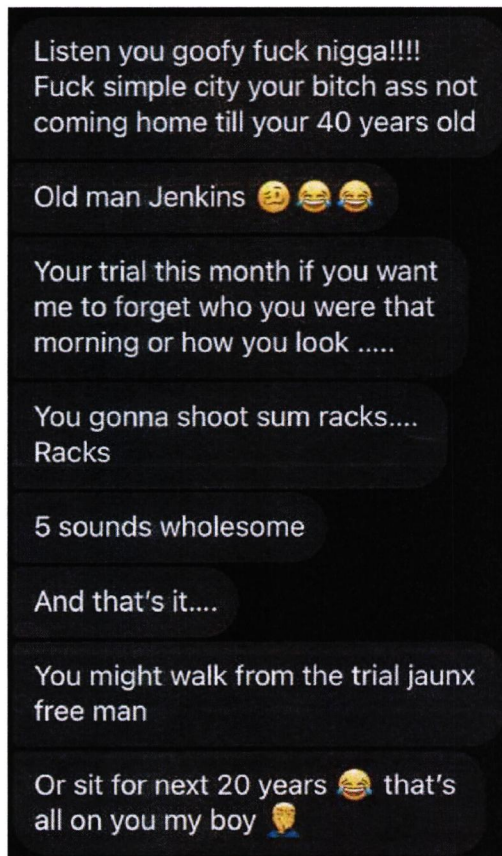


19. **GHORBANI** then bragged to Witness 2 that he (**GHORBANI**) was “[d]ancing with the devil”. Referring to the person **GHORBANI** was messaging with, Witness 2 responded, “Who’s that[?]” **GHORBANI** replied, “Last n---- in that kidnapping mess . . . He going to trial . . . I’m auctioning off his freedom.”

20. **GHORBANI**'s conversation with Witness 2 continued over Direct Messages. At approximately 8:21 a.m. Eastern, **GHORBANI** boasted that he “dmd [direct messaged] the n----

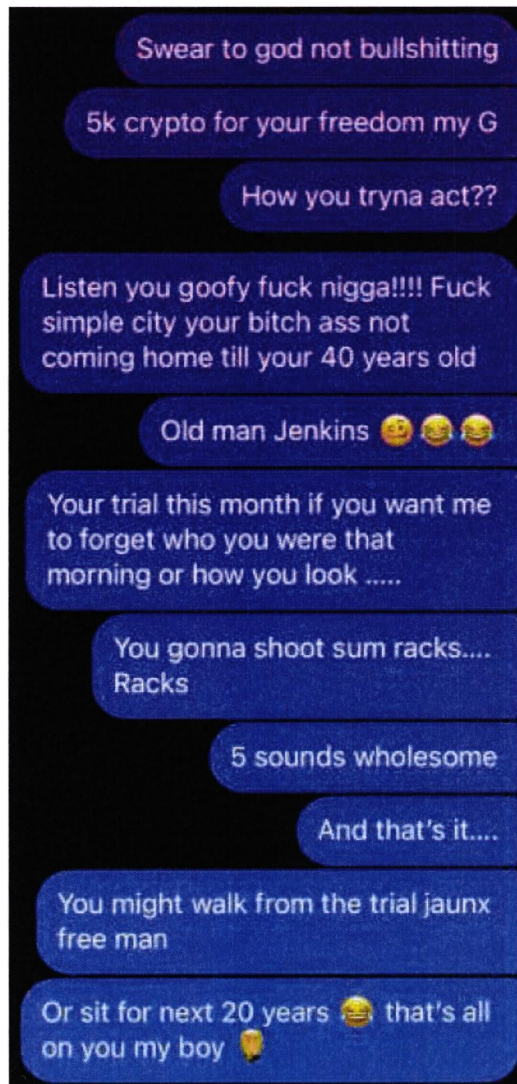
like a man,” referring to Sherman. **GHORBANI** added that he was “[o]ffering 5 racks for his freedom . . . Won’t be me sitting in the feds till I’m 40”. At approximately 8:22 a.m. Eastern, Witness 2 sought to confirm whether **GHORBANI** was a witness at the trial in question, writing, “Are you testifying against this last guy[?]” **GHORBANI** responded that, in exchange for \$5,000, “I’ll go testify and say he wasn’t the guy . . . I’ll finesse”. **GHORBANI** added that he was “[j]ust [trying to] make sum bread.”

21. Within about 45 minutes, by no later than approximately 9:07 a.m. Eastern on June 18, 2022, **GHORBANI** sent Sherman yet another series of Direct Messages at Instagram Account A, as depicted below.



22. Through these messages, **GHORBANI** again corruptly solicited a payment of \$5,000 from Sherman in exchange for **GHORBANI**'s agreement to change his testimony to benefit Sherman.

23. About two minutes later, at approximately 9:09 a.m. Eastern, on June 18, 2022, **GHORBANI** used his Instagram account to send Witness 2 another screenshot at Instagram Account B. The screenshot, depicted below, captured the remaining messages that **GHORBANI** had sent Sherman at Instagram Account A on the morning of June 18, 2022.



24. **GHORBANI** then wrote to Witness 2, “Ransom vibes this morning.” At approximately 9:16 a.m. Eastern, Witness 2 responded, “Unsend the messages”. Witness 2 added, “Don’t know how lawyers will look at that”. Approximately 30 seconds later, **GHORBANI** replied, “Fuck it [trying to] milk this”. Referring again to Sherman, **GHORBANI** wrote, “5 bands for his freedom . . . Fuck [h]im”.

The Charge

25. On or about June 18, 2022, in the District of Maryland and elsewhere, the defendant,

JOLEN MICHAEL GHORBANI,
a/k/a “Jay,”
a/k/a “jayz_cutz93,”
a/k/a “jayfaded93,”

did, directly and indirectly, corruptly demand, seek, receive, accept, and agree to receive and accept anything of value personally, in return for being influenced in testimony under oath and affirmation as a witness upon any such trial, hearing, and other proceeding, and in return for absenting himself therefrom; to wit, **GHORBANI** corruptly demanded and sought \$5,000 from Tray David Sherman, in return for **GHORBANI** being influenced in testimony as a witness at the trial in *United States v. Tray David Sherman*, Criminal No. GJH-21-80, in the United States District Court for the District of Maryland.

18 U.S.C. § 201(b)(4)

COUNT TWO
(Obstruction of Justice)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 24 of Count One are incorporated herein.
2. On or about June 5, 2022, in the District of Maryland and elsewhere, the defendant,

JOLEN MICHAEL GHORBANI,
a/k/a “Jay,”
a/k/a “jayz_cutz93,”
a/k/a “jayfaded93,”

did, corruptly, by threats and force, and by any threatening letter and communication, influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due administration of justice in *United States v. Tray David Sherman*, Criminal No. GJH-21-80, in the United States District Court for the District of Maryland; to wit, **GHORBANI**, through threats and threatening communications, corruptly offered to alter his testimony against Tray David Sherman at Sherman’s trial.

18 U.S.C. § 1503(a)

COUNT THREE
(Obstruction of Justice)

The Grand Jury for the District of Maryland further charges that:

1. Paragraphs 1 through 24 of Count One are incorporated herein.
2. On or about June 18, 2022, in the District of Maryland and elsewhere, the defendant,

JOLEN MICHAEL GHORBANI,
a/k/a “Jay,”
a/k/a “jayz_cutz93,”
a/k/a “jayfaded93,”

did, corruptly, by threats and force, and by any threatening letter and communication, influence, obstruct, and impede, and endeavor to influence, obstruct, and impede the due administration of justice in *United States v. Tray David Sherman*, Criminal No. GJH-21-80, in the United States District Court for the District of Maryland; to wit, **GHORBANI**, through threats and threatening communications, corruptly solicited a payment of \$5,000 from Tray David Sherman in exchange for **GHORBANI**’s agreement to provide false testimony or to refuse to testify as a witness against Sherman at Sherman’s trial.

18 U.S.C. § 1503(a)

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. P. Rule 32.2, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with 18 U.S.C. § 981(a)(1)(C), 21 U.S.C. § 853(p), and 28 U.S.C. § 2461(c), in the event of the defendant's conviction under Count One of this Indictment.

Bribery Forfeiture

2. Upon conviction of the offense alleged in Count One of this Indictment, the defendant,

**JOLEN MICHAEL GHORBANI,
a/k/a "Jay,"
a/k/a "jayz_cutz93,"
a/k/a "jayfaded93,"**

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to such offense.

Substitute Assets

3. If, as a result of any act or omission of the defendant, any of the property described above as being subject to forfeiture:

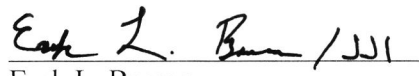
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or,
- e. has been commingled with other property which cannot be subdivided without difficulty,

the United States shall be entitled to forfeiture of substitute property up to the value of the forfeitable property described above pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

18 U.S.C. § 981(a)(1)(C)

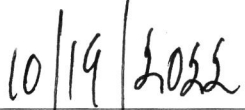
21 U.S.C. § 853(p)

28 U.S.C. § 2461(c)



Erik L. Barron
United States Attorney

A TRUE BILL:


Date

SIGNATURE REDACTED

Foreperson